

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1997

IN THE MATTER OF:

Served May 18, 1979

Petition of HIGHVIEW BUS SERVICE,)
INC., for Temporary Suspension of)
Certificate No. 42)

Case No. MP-78-14

On September 22, 1978, Highview Bus Service, Inc. (Highview), filed a petition for temporary suspension of its Certificate of Public Convenience and Necessity No. 42. A public hearing on this matter was scheduled 1/ but later cancelled pending further order of the Commission. 2/ On April 25, 1979, Highview was directed to advise the Commission as to its operational capabilities and its desire to go forward in this proceeding. 3/

On May 7, 1979, Highview's president filed an affidavit stating that he is still in ill health and has been unable to function in the business of operating the company for many months. 4/ The affiant's incapacity, coupled with significant financial costs, has resulted in the company effectively ceasing operations. Highview's entire fleet of buses has been transferred to an agent for sale, and, in fact, virtually all of the buses have been sold. According to its president "[t]he Company therefore has no ability to resume the service outlined by . . . Certificate of Public Convenience and Necessity No. 42."

In accordance with these representations, the Commission finds that Highview is unable properly to provide transportation and to meet its obligations as a common carrier pursuant to Title II, Article XII, Sections 3 and 4(b) of the Compact and the terms of Certificate No. 42. We further find that Highview cannot and is not rendering service that

1/ Order No. 1908, served October 20, 1978.

2/ Order No. 1916, served November 9, 1978.

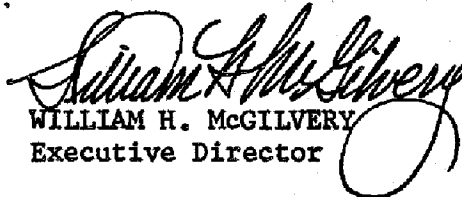
3/ Order No. 1988.

4/ Since October 1978, service was rendered by other carriers, most recently McMichael School Bus Service, Inc.

is adequate to the requirements of the public convenience and necessity. Inasmuch as Highview apparently desires termination of its certificate, an order directing compliance with the terms of Certificate No. 42 is neither required nor, in our opinion, realistic. Compact, Title II, Article XII, Section 4(g). Highview has clearly expressed a desire not to resume operations; the Commission shall treat this expression as an amendment to the original application and grant revocation of Certificate No. 42. So that Highview may have an adequate opportunity to reflect on this disposition, said revocation shall become effective without further order of the Commission on the 31st day following the date of service of this order. Of course, reconsideration of this order may be sought pursuant to Title II, Article XII, Section 16 of the Compact.

THEREFORE, IT IS ORDERED That Certificate of Public Convenience and Necessity No. 42 issued to Highview Bus Service, Inc., is hereby revoked effective June 18, 1979.

BY DIRECTION OF THE COMMISSION:


WILLIAM H. MCGILVERY
Executive Director